

Message Text

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PAGE 01 CARACA 06838 01 OF 02 202303Z

61

ACTION DLOS-07

INFO OCT-01 ISO-00 CG-00 CIAE-00 DODE-00 PM-07 H-03 INR-11

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IO-14 NSF-04 SCI-06 FEA-02 ACDA-19 AEC-11 AGR-20

DOTE-00 FMC-04 INT-08 JUSE-00 OMB-01 OIC-04 AF-10

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FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 4868

INFO AMEMBASSY MOSCOW

UNCLAS SECTION 1 OF 2 CARACAS 6838

FROM US DEL LOS

FOR D/LOS-MCINTYRE

EO 11652: N/A

TAGS: PLOS

SUBJECT: LOS: STRAITS ARTICLES TABLED BY USSR

FOLLOWING ARE STRAITS ARTICLES WHICH HAVE
BEEN TABLED BY THE USSR:

PEOPLES'S REPUBLIC OF BULGARIA, CZECHOSLOVAK
SOCIALIST REPUBLIC, GERMAN DEMOCRATIC REPUBLIC,
POLISH PEOPLE'S REPUBLIC, UKRAINIAN SOVIET
SOCIALIST REPUBLIC, UNION OF SOVIET SOCIALIST
REPUBLICS: DRAFT ARTICLES ON STRAITS USED
FOR INTERNATIONAL NAVIGATION

ARTICLE 1

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PAGE 02 CARACA 06838 01 OF 02 202303Z

1. IN STRAITS USED FOR INTERNATIONAL NAVIGATION BETWEEN

ONE PART OF THE HIGH SEAS AND ANOTHER PART OF THE HIGH SEAS, ALL SHIPS IN TRANSIT SHALL ENJOY THE EQUAL FREEDOM OF NAVIGATION FOR THE PURPOSE OF TRANSIT PASSAGE THROUGH SUCH STRAITS.

IN THE CASE OF NARROW STRAITS OR STRAITS WHERE SUCH PROVISION IS NECESSARY TO ENSURE THAT SAFETY OF NAVIGATION, COASTAL STATES MAY DESIGNATE CORRIDORS SUITABLE FOR TRANSIT BY ALL SHIPS THROUGH SUCH STRAITS. IN THE CASE OF STRAITS WHERE PARTICULAR CHANNELS OF NAVIGATION ARE CUSTOMARILY EMPLOYED BY SHIPS IN TRANSIT, THE CORRIDORS SHALL INCLUDE SUCH CHANNELS. IN THE CASE OF ANY CHANGE OF SUCH CORRIDORS, THE COASTAL STATE SHALL GIVE NOTIFICATION OF THIS TO ALL OTHER STATES IN ADVANCE.

2. THE FREEDOM OF NAVIGATION PROVIDED FOR IN THIS ARTICLE FOR THE PURPOSE OF TRANSIT PASSAGE THROUGH STRAITS SHALL BE EXERCISED IN ACCORDANCE WITH THE FOLLOWING RULES;

(A) SHIPS IN TRANSIT THROUGH THE STRAITS SHALL NOT CAUSE ANY THREAT TO THE SECURITY OF THE COASTAL STATES OF THE STRAITS, OR TO THEIR TERRITORIAL INVIOABILITY OR OF POLITICAL INDEPENDENCE. WARSHIPS IN TRANSIT THROUGH SUCH STRAITS SHALL NOT IN THE AREA OF THE STRAITS ENGAGE IN ANY EXERCISES OR GUNFIRE, USE WEAPONS OF ANY KIND, LAUNCH OR LAND THEIR AIRCRAFT, UNDERTAKE HYDROGRAPHICAL WORK OR ENGAGE IN OTHER SIMILAR ACTS UNRELATED TO THE TRANSIT. IN THE EVENT OF ANY ACCIDENTS, UNFORSEEN STOPS IN THE STRAITS OR ANY ACTS RENDERED NECESSARY BY FORCE MAJEURE, ALL SHIPS SHALL INFORM THE COASTAL STATES OF THE STRAITS;

(B) SHIPS IN TRANSIT THROUGH THE STRAITS SHALL STRICTLY COMPLY WITH THE INTERNATIONAL RULES CONCERNING THE PREVENTION OF COLLISIONS BETWEEN SHIPS OR OTHER ACCIDENTS.

IN ALL STRAITS WHERE THERE IS HEAVY TRAFFIC, THE COASTAL STATE MAY, ON THE BASIS OF RECOMMENDATIONS BY THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION, UNCLASSIFIED

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PAGE 03 CARACA 06838 01 OF 02 202303Z

DESIGNATE A TWO-WAY TRAFFIC SEPARATION GOVERNING PASSAGE, WITH A CLEARLY INDICATED DIVIDING LINE. ALL SHIPS SHALL OBSERVE THE ESTABLISHED ORDER OF TRAFFIC AND THE DIVIDING LINE. THEY SHALL ALSO AVOID MAKING UNNECESSARY MANOEUVRES;

(C) SHIPS IN TRANSIT THROUGH THE STRAITS SHALL TAKE ALL PRECAUTIONARY MEASURES TO AVOID

CAUSING POLLUTION OF THE WATERS AND COASTS OF THE STRAITS, OR ANY OTHER KIND OF DAMAGE TO THE COASTAL STATES OF THE STRAITS. SUPERTANKERS IN TRANSIT THROUGH THE STRAITS SHALL TAKE SPECIAL PRECAUTIONARY MEASURES TO ENSURE THE SAFETY OF NAVIGATION AND TO AVOID CAUSING POLLUTION;

(D) LIABILITY FOR ANY DAMAGE WHICH MAY BE CAUSED TO THE COASTAL STATES OF THE STRAITS, THEIR CITIZENS OR JURIDICAL PERSONS BY THE SHIP IN TRANSIT, SHALL REST WITH THE OWNER OF THE SHIP OR OTHER PERSON LIABLE FOR THE DAMAGE, AND IN THE EVENT THAT SUCH COMPENSATION IS NOT PAID BY THEM FOR SUCH DAMAGE, WITH THE FLAG-STATE OF THE SHIP;

(E) NO STATE SHALL BE ENTITLED TO INTERRUPT OR SUSPEND THE TRANSIT OF SHIPS THROUGH THE STRAITS, OR ENGAGE THEREIN IN ANY ACTS WHICH INTERFERE WITH THE TRANSIT OF SHIPS, OR REQUIRE SHIPS IN TRANSIT TO STOP OR COMMUNICATE INFORMATION OF ANY KIND;

(F) THE COASTAL STATE SHALL NOT PLACE IN THE STRAITS ANY INSTALLATIONS WHICH COULD INTERFERE WITH OR HINDER THE TRANSIT OF SHIPS.

3. THE PROVISIONS OF THIS ARTICLE:

(A) SHALL APPLY TO STRAITS LYING WITHIN THE TERRITORIAL SEA OF ONE OR MORE COASTAL STATES;

(B) SHALL NOT AFFECT THE SOVEREIGN RIGHTS OF THE COASTAL STATES WITH RESPECT TO THE SURFACE, THE SEA-BED AND THE LIVING AND MINERAL RESOURCES OF THE STRAITS;

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PAGE 04 CARACA 06838 01 OF 02 202303Z

(C) SHALL NOT AFFECT THE LEGAL REGIME OF STRAITS THROUGH WHICH TRANSIT IS REGULATED BY INTERNATIONAL AGREEMENTS SPECIFICALLY RELATING TO SUCH STRAITS.

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PAGE 01 CARACA 06838 02 OF 02 202308Z

61

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UNCLAS SECTION 2 OF 2 CARACAS 6838

FROM USDEL LOS

FOR D/LOS MCINTYRE

ARTICLE 2

IN THE CASE OF STRAITS LEADING FROM THE HIGH SEAS TO THE TERRITORIAL SEA OF ONE OR MORE FOREIGN STATES AND USED FOR INTERNATIONAL NAVIGATION, THE PRINCIPLE OF INNOCENT PASSAGE FOR ALL SHIPS SHALL APPLY AND THIS PASSAGE SHALL NOT BE SUSPENDED.

ARTICLE 3

1. IN THE CASE OF STRAITS OVER WHICH THE AIR SPACE IS TRADITIONALLY USED FOR TRANSIT FLIGHTS BY FOREIGN AIRCRAFT BETWEEN ONE PART OF THE HIGH SEAS AND ANOTHER PART OF THE HIGH SEAS, ALL AIRCRAFT SHALL ENJOY EQUAL FREEDOM OF TRANSIT OVERFLIGHT OVER SUCH STRAITS. COASTAL
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PAGE 02 CARACA 06838 02 OF 02 202308Z

STATES MAY DESIGNATE SPECIAL AIR CORRIDORS SUITABLE FOR OVERFLIGHT BY AIRCRAFT, AND SPECIAL ALTITUDES FOR AIRCRAFT FLYING IN DIFFERENT DIRECTIONS, AND MAY ESTABLISH PARTICULARS FOR RADIO-COMMUNICATION WITH THEM.

2. THE FREEDOM OF TRANSIT OVERFLIGHT BY AIRCRAFT

OVER THE STRAITS, AS PROVIDED FOR IN THIS ARTICLE,
SHALL BE EXERCISED IN ACCORDANCE WITH THE FOLLOWING
RULES:

(A) OVERFLYING AIRCRAFT SHALL TAKE THE NECESSARY
STEPS TO KEEP WITHIN THE BOUNDARIES OF THE CORRIDORS
AND AT THE ALTITUDE DESIGNATED BY THE COASTAL STATES
FOR FLIGHTS OVER THE STRAITS, AND TO AVOID OVERFLYING
THE LAND TERRITORY OF A COASTAL STATE, UNLESS SUCH
OVERFLIGHT IS PROVIDED BY THE COASTAL STATE;

(B) OVERFLYING AIRCRAFT SHALL NOT CAUSE ANY THREAT
TOT THE SECURITY OF THE COASTAL STATES, THEIR TERRITORIAL
INVIOABILITY OR POLITICAL INDEPENDENCE; IN PARTICULAR
MILITARY AIRCRAFT SHALL NOT IN THE AREA OF THE STRAITS
ENGAGE IN ANY EXERCISES OR GUNFIRE, USE WEAPONS OF ANY
KIND, TAKE AERIAL PHOTOGRAPHS, CIRCLE OR DIVE DOWN TOWARDS
SHIPS, TAKE ON FUEL OR ENGAGE IN OTHER SIMILAR ACTS
UNRELATED TO OVERFLIGHT;

(C) LIABILITY FOR ANY DAMAGE WHICH MAY BE
CAUSED TO THE COASTAL STATES OF THE STRAITS OR THIER
CITIZENS OR JURIDICAL PERSONS BY THE AIRCRAFT OVERFLYING
THE STRAITS SHALL REST WITH THE OWNER OF THE AIRCRAFT
OR OTHER PERSON LIABLE FOR THE DAMAGE AND IN
THE EVENT THAT COMPENSATION IS NOT PAID BY THEM FOR
SUCH DAMAGE, WITH THE STATE IN WHICH THE AIRCRAFT IS
REGISTERED;

(D) NO STATE SHALL BE ENTITLED TO INTERRUPT OR
SUSPEND THE TRANSIT OVERFLIGHT OF AIRCRAFT, IN ACCOR-
DANCE WITH THIS ARTICLE, IN THE AIR SPACE OVER THE
STRAITS.

3. THE PROVISIONS OF THIS ARTICLE:

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PAGE 03 CARACA 06838 02 OF 02 202308Z

(A) SHALL APPLY TO TRANSIT FLIGHTS BY AIRCRAFT
OVER STRAITS LYING WITHIN THE TERRITORIAL SEA OF ONE OR
MORE COASTAL STATES;

(B) SHALL NOT AFFECT THE LEGAL REGMIE OF STRAITS
OVER WHICH OVERFLIGHT IS REGULATED BY INTERNATIONAL
AGREEMENTS SPECIFICALLY RELATING TO SUCH STRAITS.
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